

The Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
BRIAN RICHARD FARRELL,
Defendant.

NO. CR15-029-RAJ

**MOTION FOR ENTRY OF A
FINAL ORDER OF FORFEITURE**

NOTE ON MOTION CALENDAR:
Friday, December 16, 2016

The United States, by and through its undersigned counsel, moves pursuant to Fed. R. Crim. P. 32.2(c)(2) for entry of a Final Order of Forfeiture forfeiting to the United States the following property, which has already been forfeited by Defendant Brian Farrell (“Defendant”):

- 1) \$35,000.00 in U.S. Currency, seized from Defendant’s residence in Bellevue, Washington, on January 2, 2015; and,
- 2) Multiple Silver Bullion Bars, seized from Defendant’s residence in Bellevue, Washington, on January 2, 2015, as follows:
 - a) Qty. 31 – 1 oz. Silver Bullion Bars; and,
 - b) Qty. 21 – 10 oz. Silver Bullion Bars.

1 This motion is based on the following procedural facts, which are reflected in the
2 pleadings filed and orders entered in this matter, as well as the supporting declaration of
3 Assistant United States Attorney (“AUSA”) Michelle Jensen. On March 11, 2016,
4 Defendant entered a plea agreement in which he agreed to forfeit his interest in the
5 above-identified property pursuant to 21 U.S.C. § 853 (providing for the forfeiture of
6 property used to facilitate, or constituting proceeds of, conspiracy to distribute controlled
7 substances). *See* Dkt. No. 61. At sentencing on June 3, 2016, the Court entered a
8 Preliminary Order of Forfeiture finding this property forfeitable pursuant to
9 21 U.S.C. § 853 and forfeiting Defendant’s right, title and interest in it. *See* Dkt. No. 72.

10 Thereafter, as required by 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P.
11 32.2(b)(6)(C), the United States published notice of the Preliminary Order and its intent
12 to dispose of this property in accord with governing law. *See* Dkt. No. 75. That notice
13 informed any third parties claiming an interest in the property they were required to file a
14 petition with the Court within 60 days of the notice’s first publication on June 5, 2016.
15 *See id.* As required by Fed. R. Crim. P. 32.2(b)(6)(A), the United States also sent notice
16 and a copy of the Preliminary Order to an individual who appeared to be a potential
17 claimant, based on the underlying investigative and administrative material. *See*
18 Declaration of AUSA Michelle Jensen in Support of Motion for Entry of a Final Order of
19 Forfeiture (“Jensen Decl.”), ¶¶ 2-4, Exs. A - C. Despite the United States’ best efforts to
20 serve that individual at two different addresses, all notices were ultimately returned as
21 undeliverable. *See* Jensen Decl., ¶¶ 2-4, Exs. A - C. At this juncture, no third-party has
22 filed a petition for the above-identified property, and the period for doing so has now
23 expired. *See* 21 U.S.C. § 853(n)(2), Fed. R. Crim. P. 32.2(b)(6) and Fed. R. Civ. P., Supp.
24 R. G(5)(a)(ii).

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1 As Defendant's rights in the above-identified property have been forfeited to the
2 United States and ancillary proceedings have now concluded, the United States
3 respectfully requests the Court enter a Final Order forfeiting it to the United States. A
4 proposed Order is submitted with this motion.

5 DATED this 7th day of December, 2016.

6 Respectfully submitted,

7 ANNETTE L. HAYES

8 United States Attorney

9 s/ Michelle Jensen

10 MICHELLE JENSEN, WSBA #36611

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CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/ Ellaine M. Wi
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